

1 Joseph Lavi, Esq. (SBN 209776)
2 jlavi@lelawfirm.com
3 Vincent C. Granberry, Esq. (SBN 276483)
4 vgranberry@lelawfirm.com
5 Aaron Boal, Esq. (SBN 327005)
6 aboal@lelawfirm.com

7 **LAVI & EBRAHIMIAN, LLP**
8 8889 W. Olympic Boulevard, Suite 200
9 Beverly Hills, California 90211
10 Telephone: (310) 432-0000
11 Facsimile: (310) 432-0001

12 Attorneys for Plaintiff WALTER RAINES

13 Kelli M. Hinson, Esq. (Texas SBN)
14 Khinson@ccsb.com
15 **CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, LLP**
16 901 Main Street, Suite 5500
17 Dallas, TX 75202
18 Telephone: (214) 855-3110
19 Fax:

20 Attorneys for Defendant MARTIN MARIETTA MATERIALS, INC.

21 Michele Ballard Miller (SBN 104198)
22 mbmiller@cozen.com
23 Ethan W. Chernin (SBN 273906)
24 echernin@cozen.com
25 **COZEN O'CONNOR**
26 101 Montgomery St, Suite 1400
27 San Francisco, CA 94104
28 Telephone: 415.644.0914
Facsimile: 415.644.0978

Attorneys for Defendant
HM US SERVICES, LLC (fka LEHIGH HANSON SERVICES LLC)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WALTER L. RAINES, on behalf of
herself and others similarly situated,

Plaintiff,

vs.

LEHIGH HANSON SERVICES, LLC;
CALAVERAS MATERIALS, INC.;
MARTIN MARIETTA MATERIALS,
INC.; HEIDELBERG CEMENT
GROUP; and DOES 1 to 100, inclusive,

Defendants.

Case No.: 2:23-cv-01539-DJC-CKD
Assigned to Judge Daniel J. Calabretta

CLASS ACTION

**STIPULATION TO EXTEND
DEADLINE TO SUBMIT UPDATED
JOINT STATUS REPORT**

Complaint Filed: June 5, 2023
Removed: July 27, 2023

1 Plaintiff WALTER RAINES (“Plaintiff”) and Defendants HM US SERVICES
2 LLC (fka LEHIGH HANSON SERVICES, LLC) (“LHS”) and MARTIN
3 MARIETTA MATERIALS, INC. (collectively “Defendants”) file this Stipulation to
4 Extend Deadline to Submit Updated Joint Status Report and respectfully request that
5 the Court approve the stipulation, extending the deadline for the Parties to submit their
6 updated Joint Status Report until 30 days after the Court rules on the outstanding
7 motions detailed below.

8 The parties filed their original Joint Status Report (Dkt. 20) on September 27,
9 2023. On that same day, the Court issued a Minute Order (Dkt. 21) directing the parties
10 to file an updated Joint Status Report within 30 days after the Court’s ruling on
11 Defendant’s then-pending Motion to Dismiss (Dkt. 7) and Plaintiff’s forthcoming
12 amended complaint.

13 The Court ruled on Defendant’s Motion to Dismiss on October 5, 2023. (Dkt.
14 22). And Plaintiff filed his Amended Complaint on October 20, 2023. (Dkt. 23). The
15 updated Joint Status Report is, therefore, due on Monday, November 20, 2023.

16 However, there are three pending motions filed since the Court’s Minute Order
17 that could substantially affect the nature of the parties and claims. They are:

- 18 • Defendant Martin Marietta’s Motion to Dismiss the repleaded meal period
19 claims in Plaintiff’s Amended Complaint (Dkt. 24);
- 20 • Defendant LHS’s Motion to Dismiss based on a prior class action
21 settlement agreement (Dkt. 25); and
- 22 • Defendant Martin Marietta’s Motion to Consolidate Plaintiff’s separately
23 filed PAGA action into this case (Dkt. 26).

24 The Parties therefore stipulate and respectfully request the Court to approve that
25 the deadline to file an updated Joint Status Report be extended until 30 days after the
26 Court rules on the three motions identified above.

27 This Stipulation is not made for the purposes of delay but to promote judicial
28 efficiency and to provide the Court with a more meaningful status report. This is the

Parties' first request to extend the Joint Status Report deadline. This case is not yet set for trial, and so no discovery cutoff or motion deadline has been set.

Dated: November 20, 2023

Respectfully submitted,

By: /s/ Aaron Boal
Aaron Boal, Esq.
Attorneys for Plaintiff
WALTER RAINES, on behalf of
herself and others similarly situated

By: /s/ Kelli Hinson
Kelli Hinson, Esq.
Attorneys for Defendant MARTIN
MARIETTA MATERIALS, INC.

By: /s/ Ethan Chernin
Ethan Chernin
Attorneys for Defendant HM US
SERVICES LLC (fka LEHIGH
HANSON SERVICES, LLC)

Dated: November 21, 2023

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE